

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

## Jorge Garcia v. Lowe's Home Centers, LLC

Case Number	46C01-2210-CT-001638
Court	LaPorte Circuit Court
Type	CT - Civil Tort
Filed	10/05/2022
Status	10/05/2022 , Pending (active)

## Parties to the Case

### Defendant Lowe's Home Centers, LLC

#### Attorney

Jennifer M Herrmann

#2422653, Lead, Retained

KIGHTLINGER & GRAY LLP

One Indiana Square, Suite 300

211 North Pennsylvania Street

Indianapolis, IN 46204

317-638-4521(W)

#### Attorney

Michael Wroblewski

#2588464, Retained

One Indiana Square Suite 300

211 N Pennsylvania St

Indianapolis, IN 46204

317-638-4521(W)

### Plaintiff Garcia, Jorge

#### Attorney

Mandy Jane Grace

#3647549, Retained

MCCREADY, GARCIA & LEET, P.C.

10008 S WESTREN AVENUE

Suite 250

Chicago, IL 60643

773-779-9885(W)

## Chronological Case Summary

10/05/2022 **Case Opened as a New Filing**

10/05/2022 **Appearance Filed**

Michael McCready and Mandy Grace files Appearance on behalf of Plaintiff

For Party: Garcia, Jorge

File Stamp: 10/05/2022

Exhibit A

10/05/2022 **Subpoena/Summons Filed**

Summons to Lowe's Home Centers, LLC.

Filed By: Garcia, Jorge

File Stamp: 10/05/2022

10/05/2022 **Complaint/Equivalent Pleading Filed**

Plaintiff by Counsel files Complaint for Damages &amp; Jury Demand.

Filed By: Garcia, Jorge

File Stamp: 10/05/2022

10/05/2022 **Service Issued**

The Defendant to be served the Appearance, Complaint and Summons by Certified Mail by the Plaintiff's Attorney.

10/06/2022 **Certificate of Issuance of Summons**

Certificate of Issuance of Summons

Filed By: Garcia, Jorge

File Stamp: 10/06/2022

10/21/2022 **Appearance Filed**

Jennifer Hermann &amp; Michael Wroblewski files Appearance on behalf of Plaintiff

For Party: Lowe's Home Centers, LLC

File Stamp: 10/21/2022

10/21/2022 **Motion for Enlargement of Time Filed**

Defendant by Counsel files Motion for Initial Enlargement of Time.

Filed By: Lowe's Home Centers, LLC

File Stamp: 10/21/2022

10/24/2022 **Order Granting Motion for Enlargement of Time**

Order Granting Enlargement of Time.

Judicial Officer: Alevizos, Thomas J

Movant: Herrmann, Jennifer M

Noticed: Grace, Mandy Jane

Noticed: Wroblewski, Michael

Noticed: Herrmann, Jennifer M

Order Signed: 10/24/2022

10/25/2022 **Automated ENotice Issued to Parties**

Order Granting Motion for Enlargement of Time ---- 10/24/2022 : Jennifer M Herrmann;Michael Wroblewski;Mandy Jane Grace

**Financial Information**

\* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

**Garcia, Jorge**

Plaintiff

Balance Due (as of 11/02/2022)

**0.00****Charge Summary****Exhibit A**

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

Transaction Summary

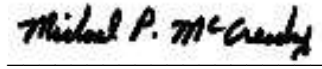
Date	Description	Amount
10/05/2022	Transaction Assessment	157.00
10/05/2022	Electronic Payment	(157.00)

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## Exhibit A

7. There are related cases: Yes ☐ No ☒ (If yes, list on continuation page.)
8. This form has been served on all other parties,  
Certificate of Service Attached: Yes ☐ No ☒
9. Additional information required by local rule \_\_\_\_\_

  
Mandy Grace

  
Michael P. McCready

STATE OF INDIANA )  
 )  
COUNTY OF LAPORTE ) SS: IN THE LAPORTE COUNTY CIRCUIT COURT  
CIVIL DIVISION  
CAUSE NO.: 46C01-2210-CT-001638

JORGE GARCIA,  
  
Plaintiff,  
  
vs.  
  
LOWE'S HOME CENTERS, LLC,  
  
Defendant.

**SUMMONS**

**THE STATE OF INDIANA TO THE DEFENDANT:** Lowe's Home Centers, LLC  
c/o Registered Agent: Corporation Service Company  
135 North Pennsylvania Street, Suite 1610  
Indianapolis, IN 46204

You have been sued by the person(s) identified as "Plaintiff" in the Court stated above.

The nature of the suit against you is stated in the COMPLAINT which is attached to this SUMMONS. It also states the demand which the Plaintiff has made against you.

You must either personally or by your attorney file your written answer to the COMPLAINT with the Clerk within twenty (20) days commencing the day after this SUMMONS and the COMPLAINT were personally served upon you or your agent or left for you by the Sheriff or their process server.

In the event the SUMMONS and COMPLAINT were left for you and you then receive by first class mail (not certified) a copy of the SUMMONS alone, this mailing is merely a confirmation that the SUMMONS and COMPLAINT were previously left for you. You should not consider the date on which you receive the mailed SUMMONS as the commencement date for the time period allowed for your answer. Rather, the time period allowed for your written answer commences on the date when the SUMMONS and COMPLAINT were first personally served upon you or your agent or left for you by the Sheriff or other process server.

However, if you or your agent first received the SUMMONS and the COMPLAINT by certified mail, you have twenty-three (23) days from the date of receipt to file your written answer with the Clerk.

If you fail to answer the COMPLAINT of the Plaintiff within the times prescribed herein, judgment will be entered against you for what the Plaintiff has demanded.

If you have a claim against the Plaintiff arising from the same transaction or occurrence, you may be required to assert such claim in writing together with your written answer.

Dated 10/5/2022  
[Signature] (Seal)  
Clerk of Laporte County Circuit Court

**(The following manner of service of summons is hereby designated.)**

☐ Registered or certified mail.  
☐ Service at place of employment, to-wit: \_\_\_\_\_  
☐ Service on individual --- (Personal or copy) at above address.  
☒ Service on agent. (Specify) \_\_\_\_\_  
☐ Other service. (Specify) \_\_\_\_\_



Attorney for Plaintiff:  
Michael P. McCreedy, No. 21195-45  
Mandy J. Grace #36475-49  
McCreedy, Garcia & Leet, P.C.  
10008 S. Western Avenue  
Chicago, IL 60643

***CERTIFICATE OF MAILING***

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2022, I mailed a copy of this Summons and a copy of the complaint to the defendant, LOWE'S HOME CENTERS, LLC, by certified mail, requesting a return receipt, at the address furnished by the plaintiff.

Dated: \_\_\_\_\_, 2022.

By: \_\_\_\_\_

Mandy J. Grace #36475-49  
McCready, Garcia & Leet, P.C.  
10008 S. Western Avenue  
Chicago, IL 60643  
773-779-9885  
Attorney for Plaintiff

***RETURN ON SERVICE OF SUMMONS BY MAIL***

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant \_\_\_\_\_ was accepted by the defendant on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint was returned not accepted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant \_\_\_\_\_ was accepted by \_\_\_\_\_ on behalf of said defendant on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Clerk, LaPorte County Circuit Court

By: \_\_\_\_\_  
Deputy

JORGE GARCIA,

Plaintiff,

vs.

LOWE’S HOME CENTERS, LLC,

Defendant.

NOW COMES the Plaintiff, Jorge Garcia, by and through his attorneys, THE LAW OFFICES OF McCREADY, GARCIA & LEET, P.C., and for his complaint against the Defendant, Lowe's Home Centers, LLC, alleges and states as follows:

- ## Exhibit A



5. On or about October 8, 2020, Plaintiff was injured while shopping on the Defendant's premises when he tripped over items left in the aisle, causing him to fall.

6. At all times pertinent, Plaintiff was exercising reasonable care for his safety and was free from contributory negligence.

7. At all times pertinent, the Defendant, through its agents and/or employees, owed a duty of reasonable care to persons lawfully on its premises, including the Plaintiff, Jorge Garcia.

8. At all times pertinent, it was the duty of the Defendant, its agents and/or employees, to maintain its premises in a reasonably safe manner, free from hazards and dangerous conditions, of which it knew, or should have known.

9. Defendant breached this duty and was negligent in one or more of the following ways:

- a. Failing to provide a good, safe and proper place for the Plaintiff to be, use, or occupy, while lawfully on the subject premises;
- b. Carelessly and negligently operating, managing, maintaining, inspecting, and controlling the premises, and items on the premises, over which it controlled;
- c. Failing to maintain the premises, aisles, walkways, and/or items on the premises in a reasonably safe condition;
- d. Failing to maintain the premises, aisles, and/or walkways on the premises free from hazards and dangerous conditions when Defendant knew, or should have known in the exercise of reasonable care, that such hazards and dangerous conditions were present;
- e. Failing to properly warn customers, including the Plaintiff, of the

dangerous condition when Defendant knew, or should have known in the exercise of reasonable care, that such warnings were necessary to ensure the safety of the plaintiff and others on the premises;

f. Was otherwise careless and/or negligent.

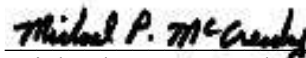
10. As a result of the negligence of Defendant, its agents and/or employees, Plaintiff suffered injuries of a personal and pecuniary nature.

WHEREFORE, Plaintiff Jorge Garcia respectfully prays that judgment be entered in his favor and against the Defendant Lowe's Home Centers, LLC, that damages be awarded in an amount to be proven at trial, plus costs of bringing the present action, and all other relief, just and proper in the premises.

Respectfully submitted,



Mandy Grace, #36475-49  
*Counsel for Plaintiff*



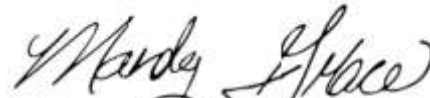
Michael P. McCready, #21195-45  
*Counsel for Plaintiff*

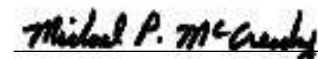
McCready, Garcia & Leet, P.C.  
10008 S. Western Ave.  
Chicago, IL 60643  
t: (773) 779-9885  
f: (773) 373-2375  
service@mccreadylaw.com

**JURY DEMAND**

Plaintiff hereby demands trial by jury on all claims.

Respectfully submitted,

  
Mandy Grace, #36475-49  
*Counsel for Plaintiff*

  
Michael P. McCready, #21195-45  
*Counsel for Plaintiff*

McCready, Garcia & Leet, P.C.  
10008 S. Western Ave.  
Chicago, IL 60643  
t: (773) 779-9885  
f: (773) 373-2375  
service@mccreadylaw.com



STATE OF INDIANA            )  
  )  
COUNTY OF LAPORTE        )  
  
JORGE GARCIA,                                )  
  )  
                    Plaintiff,                        )  
  )  
                    vs.                                )  
  )  
LOWE'S HOME CENTERS, LLC                )  
  )  
                    Defendant.                        )

**APPEARANCE BY ATTORNEY IN CIVIL CASE**

1. The party on whose behalf this form is being filed is:  
Initiating \_\_\_\_\_ Responding X Intervening \_\_\_\_\_; and

the undersigned attorney and all attorneys(s) listed on this form now appear in this case for the following parties:

**LOWE'S HOME CENTERS, LLC**

2. Attorney information for service as required by Trial Rule 5(B)(2):

Name:	Jennifer M. Herrmann	Atty No.:	24226-53
	Michael Wroblewski		25884-64
Address:	KIGHTLINGER & GRAY, LLP	Phone:	317/638-4521
	One Indiana Square, Suite 300	Fax:	317/636-5917
	211 North Pennsylvania Street	Email:	<a href="mailto:jherrmann@k-glaw.com">jherrmann@k-glaw.com</a>
	Indianapolis, Indiana 46204		<a href="mailto:mwroblewski@k-glaw.com">mwroblewski@k-glaw.com</a>

Each attorney specified on this appearance:

- (a) certifies that the contact information listed for him/her on the Indiana Supreme Court Roll of Attorneys is current and accurate as of the date of this Appearance;
- (b) acknowledges that all orders, opinions, and notices from the court in this matter that are served under Trial Rule 86(G) will be sent to the attorney at the email address(es) specified by the attorney on the Roll of Attorneys regardless of the contact information listed above for the attorney; and
- (c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information current and accurate, see Ind. Admis. Disc. R. 2(A).
3. There are related cases: Yes \_\_ No X
4. Additional information required by state or local rule: \_\_\_\_\_
5. This form has been served on all other parties and Certificate of Service is attached:

Yes X No \_\_\_\_

6. Responding party will accept service by fax or email from the Court or other parties:  
Yes X No \_\_\_\_

Respectfully submitted,

By s/ Jennifer M. Herrmann  
Jennifer M. Herrmann, ID No. 24226-53  
*Attorney for Defendant*

### **CERTIFICATE OF SERVICE**

I certify that a copy of the forgoing was served by the Court's Electronic System and/or First Class Mail on counsel or party of record this October 21, 2022 to:

Mandy Grace  
Michael P. McCready  
McCready, Garcia & Leet, P.C.  
10008 S. Western Ave.  
Chicago, IL 60643  
[service@mccreadylaw.com](mailto:service@mccreadylaw.com)

s/ Jennifer M. Herrmann  
Jennifer M. Herrmann

KIGHTLINGER & GRAY, LLP  
211 N. Pennsylvania Street  
One Indiana Square, Suite 300  
Indianapolis, Indiana 46204  
(317) 638-4521

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STATE OF INDIANA	)	IN THE LAPORTE SUPERIOR COURT
	)	
COUNTY OF LAPORTE	)	CASE NO.: 46C01-2210-CT-001638
JORGE GARCIA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LOWE'S HOME CENTERS, LLC	)	
	)	
Defendant.	)	

**MOTION FOR INITIAL ENLARGEMENT OF TIME**

Defendant, Lowe's Home Centers, LLC, by counsel, hereby request an initial enlargement of time of thirty (30) days in which to file an Answer or other response to the Complaint. In support of this motion, Defendant states:

1. Defendant was served with the Complaint on October 11, 2022.
2. Pursuant to Ind. Trial Rule 6(C) an Answer or other response on behalf of this Defendant is required no earlier than November 3, 2022, which time has not expired.
3. No prior enlargement of time has been requested on behalf of Lowe's Home Centers, LLC.
4. The enlargement of time shall expire on December 3, 2022.

Respectfully submitted,

By s/ Jennifer M. Herrmann  
Jennifer M. Herrmann, ID No. 24226-53  
*Attorney for Defendant*

**CERTIFICATE OF SERVICE**

I certify that a copy of the forgoing was served by the Court's Electronic System and/or First Class Mail on counsel or party of record this October 21, 2022 to:

Mandy Grace  
Michael P. McCready  
McCready, Garcia & Leet, P.C.  
10008 S. Western Ave.  
Chicago, IL 60643  
[service@mccreadylaw.com](mailto:service@mccreadylaw.com)

s/ Jennifer M. Herrmann  
Jennifer M. Herrmann

KIGHTLINGER & GRAY, LLP  
211 N. Pennsylvania Street  
One Indiana Square, Suite 300  
Indianapolis, Indiana 46204  
(317) 638-4521

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STATE OF INDIANA	)	IN THE LAPORTE SUPERIOR COURT
	)	
COUNTY OF LAPORTE	)	CASE NO.: 46C01-2210-CT-001638
JORGE GARCIA,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
LOWES HOME CENTERS, LLC	)	
	)	
Defendant.	)	

**ORDER GRANTING MOTION FOR INITIAL ENLARGEMENT OF TIME**

This cause came before the Court upon the motion of the Defendant, for an enlargement of time in which to answer or otherwise plead to the Complaint, and the Court having reviewed same, now GRANTS said motion.

IT IS THEREFORE ORDERED that Defendant, is granted an extension of time of thirty (30) days, to and including December 3, 2022 within which to answer or otherwise plead to the Complaint.

DATED: October 24, 2022

  
\_\_\_\_\_  
JUDGE, LaPorte Superior Court

Distribution:

All Counsel of Record

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